

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

RAYMOND WARD,)	
)	No. CV-06-0077-CI
Plaintiff,)	
)	
v.)	ORDER GRANTING MOTION FOR
)	STIPULATED REMAND PURSUANT
JO ANNE B. BARNHART,)	TO SENTENCE FOUR OF 42
Commissioner of Social)	U.S.C. § 405(g)
Security,)	
)	
Defendant.)	

The parties have filed a stipulation for remand of the above captioned case to the Commissioner for further administrative proceedings. (Ct. Rec. 11). The parties have consented to proceed before a magistrate judge. (Ct. Rec. 4.) After considering the stipulation,

IT IS ORDERED that the above-captioned case be remanded to the Commissioner for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). Upon remand, the Administrative Law Judge (ALJ) will reevaluate the medical evidence with particular consideration given to the examining psychologist's reports; re-evaluate Plaintiff's personality disorders using the special technique in 20 C.F.R. §§ 404.1520a, 416.920a; additional consideration to all Plaintiff's impairments, including substance

1 abuse, and if disabling considering all impairments, consideration
2 of whether substance abuse is material to that disability;
3 consideration fo the GAF of 50 indicated by a nurse practitioner,
4 (Tr. 215), and the mental evaluation by a M.Ed. (Tr. 286-88);
5 consideration of the diagnosis of or indication of obesity as shown
6 at Tr. 299 and 311; classification of the specific work limitation
7 entailed in the finding of "some difficulty reaching overhead" (Tr.
8 29); and further consideration of whether Plaintiff has engaged in
9 substantial gainful activity as his current earnings records reflect
10 earnings which may constitute substantial gainful activity.

11 The court reverses the Commissioner's decision under sentence
12 four of 42 U.S.C. § 405(g) with a remand of the cause to the
13 Commissioner for further proceedings. See *Melkonyan v. Sullivan*,
14 501 U.S. 89 (1991).

15 **IT IS FURTHER ORDERED:** Judgment shall be entered for the
16 **PLAINTIFF.** An application for attorney fees may be filed by
17 separate motion. The District Court Executive is directed to enter
18 this Order, forward copies to counsel, and thereafter shall close
19 this file.

20 DATED August 28, 2006.

21
22 s/ CYNTHIA IMBROGNO
23 UNITED STATES MAGISTRATE JUDGE
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